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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE-OPELOUSAS DIVISION

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DEC 19 2005

ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

JESSIE MILLER

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CIVIL ACTION NO. 05-0023

VERSUS

*

JUDGE DOHERTY

COMMISSIONER OF SOCIAL
SECURITY

*

MAGISTRATE JUDGE HILL

JUDGMENT

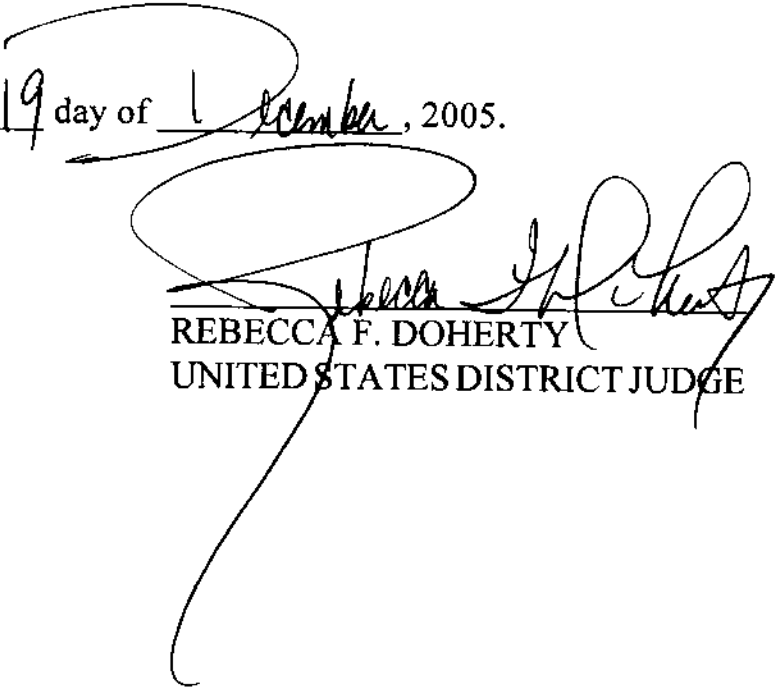
This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

Accordingly, **IT IS ORDERED, ADJUDGED AND DECREED** that this action is **REMANDED** to the Commissioner for further administrative action pursuant to the sixth sentence of 42 U.S.C. § 405(g). This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to conduct a new hearing. This order of remand is not a final judgment. Thus, the Commissioner is further **ORDERED** to file any "additional or modified findings of facts and decision and a transcript with the additional record and

testimony . . .” 42 U.S.C. § 405(g). Upon conclusion of the post-remand proceedings, the Commissioner shall report to the Court what action has been taken **within 60 days**, so that a final judgment affirming, modifying or reversing the Commissioner’s decision may be entered by this Court. If the Commissioner does not comply with the court’s order to keep it apprised within the time, then claimant shall advise the court immediately.

Failure to comply with this order within the deadline may subject the Commissioner to sanctions.

Lafayette, Louisiana, this 19 day of December, 2005.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE